

PATENT
Attorney Docket No. 101.0092-02000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Application of: |) | Confirmation No.: 6591 |
| Gary Karlin Michelson |) | |
| Serial No.: 10/669,287 |) | Group Art Unit: 3738 |
| Filed: September 24, 2003 |) | Examiner: Thomas Barrett |
| For: EXPANDABLE PUSH-IN ARCUATE |) | |
| INTERBODY SPINAL FUSION IMPLANT |) | |
| WITH TAPERED CONFIGURATION |) | |
| DURING INSERTION |) | |

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), applicant brings to the attention of the Examiner the document listed on the attached PTO 1449. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final Action or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), the fee of \$180.00 as specified by Section 1.17(p) is to be charged to Deposit Account No. 50-1066.

Applicant respectfully requests that the Examiner consider the listed document and indicate that it was considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed document is material or constitute "prior art." If the Examiner applies the document as prior art against any claims in the application and applicant determines that the cited document does not constitute "prior art" under United States law, applicant reserves the right to

present to the office the relevant facts and law regarding the appropriate status of such document.


Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1066.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: December 29, 2004

By: 
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OMB 0651-0031

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| Substitute for FORM PTO-1449 | Attorney Docket Number 101.0092-02000 | Customer No. 22882 | |
| INFORMATION DISCLOSURE CITATION IN AN APPLICATION | Applicant Gary Karlín Michelson | Application Number 10/669,287 | |
| (Use several sheets if necessary) Sheet <u>1</u> of <u>1</u> | Filing Date September 24, 2003 | Group Art Unit 3738 | Examiner T. Barrett |

U.S. PATENT DOCUMENTS

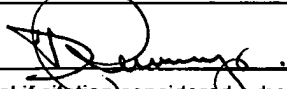
| EXAMINER INITIAL | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|---------------------|-----------------|---------|---------|-------|----------|-------------------------------|
| | 6,821,298 | 11/2004 | Jackson | | | RECEIVED |
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FOREIGN PATENT DOCUMENTS

| | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION (YES/NO) |
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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

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| EXAMINER  | DATE CONSIDERED |
| EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant. | |